



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,686	12/21/2001	Herbert V. Joiner	NAIIP065/01.307.01	3317
28875	7590	10/21/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,686	JOINER, HERBERT V.	
	Examiner	Art Unit	
	Linh LD Son	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 and 29-37 is/are allowed.
- 6) ☐ Claim(s) 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/1/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is written in response to the Appeal Brief filed on 07/07/2005.
2. An appeal conference has met and fully considered applicants' remarks in the Appeal Brief. The conferees agreed with the applicants on the remark on the page 9-10 regarding to the Zone Controllers. However, the claims 22-28 are related to different subject matters. Examiner provides a new ground of rejection below for claims 22-28.
3. Reopening of Prosecution - New Ground of Rejection After Appeal or Examiner's Rebuttal of Reply Brief In view of the Appeal Brief filed on 07/07/05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options: (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or, (2) request reinstatement of the appeal. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).
4. Claims 1-37 are pending.

Claim Rejections - 35 USC § 103

5. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor, US Patent No. 6530024B1, in view of loele et al, US Pub No. 20020073337A1, hereinafter "loele"

7. As per claims 22 and 25:

Proctor discloses "A method for providing business rule-based network services utilizing a network, comprising:

- (a) Collecting information relating to a plurality of computers utilizing a plurality of agents coupled to the computers via a network" in (Col 6 lines 30-65);
- (b) "collecting the information from the agents utilizing a plurality of controllers coupled to the agents" in (Figure 13, Col 14 lines 18-38);
- (C) "identifying a plurality of business rules" in (Col 10 lines 12-36) ; and.
- (d) "providing services utilizing the information based on the business rules" in (Col 10 lines 50-63); "wherein a report is generated including a plurality of objects in a tree

Art Unit: 2135

representation” in (Col 16 lines 53-67); “wherein intrusion detection services are provided based on the information” in (Col 2 lines 23-34) ; wherein a Simple Network Management Protocol (SNMP) trap capability is utilized” in (Col 10 lines 38-42).

However, Proctor does not specifically disclose, “a report is generated including a plurality of objects in a tree representation. Nevertheless, loele does teach a method of providing an Activity Tree graphical report of network security events. It would have been obvious at the time of the invention was made for one having ordinary skill in the art to incorporate loele teaching with Proctor to provide a Tree representation graphical report of the network event detected by the agents on the network.

8. As per claims 26 and 28:

Proctor and loele discloses “The system as recited in claims 25 and 27, wherein the information relates to wireless network traffic” in (Col 17 lines 53-57).

9. As per claim 27:

Proctor discloses “A method for analyzing a network and detecting intrusions in the network, comprising:

Collecting information relating to a plurality of computers utilizing a plurality of information collectors coupled to the computers via a network” in (Col 6 lines 30-65);

Art Unit: 2135

"Collecting the information from the information collectors utilizing the information" in (Figure 13, Col 14 lines 18-38);

"Wherein security actions are capable of being carried out based on the analysis" in (Col 6 line 66 to Col 7 line 4);

"Wherein a report is generated including a plurality of objects in a tree representation" in (Col 16 lines 53-67);

"Wherein intrusion detection services are provided based on the information" in (Col 2 lines 23-34);

"Wherein a Simple Network Management Protocol (SNMP) trap capability is utilized" in (Col 10 lines 38-42).

However, Proctor does not specifically disclose, "a report is generated including a plurality of objects in a tree representation." Nevertheless, loele does teach a method of providing an Activity Tree graphical report of network security events. It would have been obvious at the time of the invention was made for one having ordinary skill in the art to incorporate loele teaching with Proctor to provide a Tree representation graphical report of the network event detected by the agents on the network.

10. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor, in view of loele, and further in view of Crosbie et al, US Pub No. 20020083343, hereinafter "Crosbie".

Art Unit: 2135

11. As per claims 23-24:

Proctor and Ioele discloses "The method as recited in claim 22" wherein the services include analysis services, intrusion detection services, and security services" in (Col 4 lines 57-60). However, Neither Proctor and Ioele discloses "anti-virus services". Nevertheless, Crosbie does disclose a method of utilizing multiple agents to provide the services of anti-virus in (Para 0068). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Proctor and Ioele's invention to include the anti-virus service to complete the network security protection.

Allowable Subject Matter

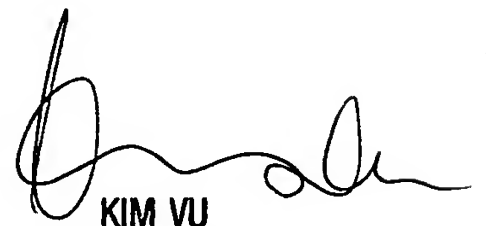
12. An appeal conference has met and fully considered applicants' remarks in the Appeal Brief. The conferees agreed with the applicants on the remark on the page 9-10 regarding to the Zone Controllers. Therefore, claims 1-21 and 29-37 are allowed.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner



KIM VU
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 2100